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(s) Joseph F. Reidy
Joseph F. Reidy

#19 JFR 5/12/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re U.S. Patent Application of:	Hong et al.	Examiner: R. Covington
Serial No.:	08/916,527	Group Art Unit: 1625
Filed:	August 22, 1997	
For:	NEUROPEPTIDE-Y LIGANDS	Atty. Docket No.: ALANEX.006A

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

Commissioner of Patents
Washington, DC 20231

Sir:

This is a response to the Office Action mailed January 29, 2001. If any fees other than those submitted herewith are due in connection with this response, please charge all such required fees to Deposit Account No. 500329.

Claims 11-25 are pending. These claims stand rejected under 35 U.S.C. 103(a) based on U.S. Patent No. 4,486,439 (Studt et al.) in view of U.S. Patent No. 4,562,709 (Chou) and El-Kerdawy Pharmazie Vol. 30 No. 12. Applicants respectfully request reconsideration and withdrawal of the rejection based on the following remarks.

In rejecting the claims, the Office Action states:

> "Studt et al '439 teach amido urea derivatives of the type recited in the claims. See, for example, column 2 lines 55 formula I, column 8, lines 30-70, and column 10, lines 30+ Table I....

> Note patentees formula I where R_4 is H, R_3 is H, R_1, R_2 together with the attached nitrogen form a heterocyclic ring and R_5, R_6 is substituted arylalkyl where the substituent is acylamino. Chou '209 teaches analogous amido ureas. See column 3 lines 50 to column 4 line 45, and column 7 lines 35+, formula I-a where R_4 is H, R_2 is H, R_1 is aralkyl substituted with amino, R_6 is H and R_5 is aralkyl."

A bare contention that the primary reference teaches compounds "of the type claimed", or having "close structural relationship" to the compounds claimed, or that in certain respects "overlap" the claimed compounds, fails to establish a *prima facie* case of obviousness. Similarly, the mere assertion that the secondary reference teaches "analogous derivatives" fails to satisfy the Examiner's burden.

The Office Action has not identified the specific differences between the compounds of Studt et al. and the compounds of the claims. Nor has the Office Action explained why the artisan would have been motivated to make each structural modification to the compounds of Studt et al. necessary to achieve the compounds defined in claim 13, let alone in the claims dependent thereon. The person of ordinary skill in the art neither would have been motivated to combine the teachings of Chou and El-Kerdawy with those of Studt et al., nor would have arrived at claimed invention even if the teachings were combined as proposed by the Office Action.

The claimed invention would not have been achieved if the secondary references were combined with the primary reference. There are various structural distinctions of the claimed compounds that the prior art neither teaches nor suggests. For example, the attached nitrogen in Studt et al forms a heterocyclic ring with the guanidino moeity. In Studt et al, R_6 is a short chain alkyl which may have a heteroatom or a simply substituted phenyl group.

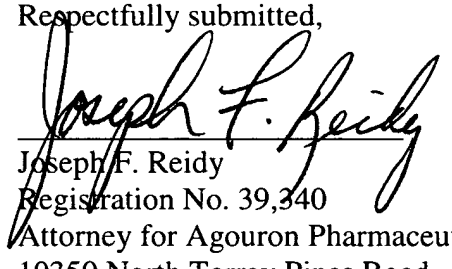
The claimed invention does not recite such limitations and therefore is not taught or suggested by the cited prior art. The claimed invention actually teaches away from the cited prior art in its structural limitations.

The rejection fails to set forth why or how the artisan would have modified the Studt et al. compounds in view of the prior art so as to arrive at compounds with such a structure as claimed by the applicants. The rejection also fails to explain why or how the artisan would have selectively picked each of the moieties attached to the backbone structure so as to arrive at the claimed compounds. Consequently, the rejection of claims 13-25 is in error and should be withdrawn.

For the foregoing reasons, compound claims 13-25, composition claim 12, and method claim 11 patentably define over the prior art. Method claim 12 patentably distinguishes over the prior art for an additional reason--the references neither teach nor suggest using any compound in a method of treating a mammal for a disorder of neuropeptide Y activity.

Accordingly, claims 13-25 are allowable. Applicant therefore requests favorable action.

Respectfully submitted,



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